

The President's point, just a few moments ago, to us was it would be an abdication of responsibility for the Congress not to accomplish this result before it leaves on a recess on Friday.

This intelligence collection is critical to the security of the United States. The point of the most recent legislation is to provide retroactive liability protection for those companies that have aided the United States pursuant to its request.

In effect, what happened was the President and the Attorney General requested various telecommunications companies to help us collect electronic information on people we have targeted as necessary for collection purposes. They did not have to do it. They volunteered to help us. They understood the threat to the United States and, like any good citizen would do when called upon by the Commander in Chief, they agreed to assist. Now, some of them have been sued. They are, of course, accountable to their boards of directors who have a responsibility under Federal law to protect shareholder interests.

What some of these companies are finding is an increasing difficulty of assisting the United States and continuing to stay in business. They have their own business responsibilities. They have to engage in activities both in this country and in other countries sometimes. They have to get customers. They have to make business agreements with other parties. When too many other folks say: We don't want to do business with you because of the potential that you are going to be sued or that you have been sued, and then there is the question of whether we are going to be drawn into all that, then it makes it impossible for those companies to assist the United States.

The point is this: There is an increasing concern that some of these companies are not going to be able to provide this assistance to us if we don't solve this retroactive immunity issue. Some people have said: Well, we will simply temporarily extend the existing law. The reason that doesn't solve the problem is because the existing law doesn't provide that retroactive immunity. That is the point of this legislation, and if this legislation doesn't provide that retroactive immunity pretty soon, there could well come a point in time when we don't have any telecommunications companies left doing this work for us to matter.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. KYL. I am delighted to yield to the Senator from Virginia.

Mr. WARNER. Mr. President, I am delighted the Senator from Arizona brought this up because I have participated in a number of debates with our distinguished colleague from Missouri. What we always have to remind our colleagues of, as well as the American public, is that these companies have volunteered. They are not in this for a profit motive. There is some compensa-

tion for expenses. They are not unlike the men and women of the Armed Forces, all of whom today are in uniform because they raised their right arm and volunteered. We cannot ask these companies to subject themselves to the uncertainty and the threats associated with legal processes. We are going to lose a very important component of what I call the American spirit: voluntarism. Whether it is in the corporate world, whether it is in the Armed Forces or any other number of activities, we are a Nation known for people who step forward and volunteer.

This is a clear example of how these companies cannot continue under the situation that persists today, because the directors of those companies, their corporate boards, have an obligation to their stockholders. It is a stretch to say to the stockholders, who are part of the voluntarism they are doing to serve the cause of freedom in the United States, that they should be subjected to a lot of court suits.

So I appreciate the Senator bringing this up. It is important. We have to remind our colleagues about it. I am proud of what this Chamber did. They voted it through, very clearly.

Mr. KYL. Madam President, if I could say to the Senator from Virginia, I hadn't thought of putting it quite the way he did. He is, exactly right. We have thousands of young men and women who volunteer to serve their country. What would we think if part of that service means getting sued by somebody? Wouldn't we provide them protection from those kinds of lawsuits? Obviously, we would. The companies that serve us every day when we pick up the phone to make a phone call—we want them to be there to help us—they step forward when the President asks them to volunteer to serve their country, at no profit, as the Senator makes clear, and then they get sued and we are not willing to provide protection to them.

Mr. WARNER. Madam President, I couldn't agree more. Furthermore, the service they are doing by virtue of this voluntarism directly contributes to the safety and the welfare of the men and women in the Armed Forces who are engaged in harm's way beyond our shores.

Mr. KYL. Madam President, that is another very good point.

Mr. WARNER. At this point, we have about run out of time, and I wish to say a few words about the pending matter.

Mr. KYL. Let me conclude these remarks then. The key point I am trying to make is we have related activities. We have the Intelligence Authorization bill on the floor, but we also have a couple of days before this recess to see that the great work the Senate did is adopted by the House of Representatives so the President can sign it.

Having just come from the White House, the President asked us to please convey his sense of concern for the people of this country, for the security of

those soldiers whom we sent to do a mission, if we can't get good intelligence on this terrorist enemy, and the only way—the best way we can do that is through the interception of these communications. It cannot be done if there are no telecommunications companies willing to assist us. There could well come a point in time when, because we haven't done our job of providing them liability protection, there is nobody there to provide the help to us.

So I thank the Senator from Virginia, and again I get back to my original point, which was I hope that in a few moments, knowing the President is going to veto this piece of legislation, we will support his position and vote no on the authorization conference report.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Virginia has 23 minutes remaining.

Mr. WARNER. Fine. That is under the control of the distinguished Senator from Missouri, and I will ask for such time as I may need at this point.

I have always considered myself, here in the Senate, to be most fortunate for the various assignments I have had through this being my 30th year. There have been periods when I have served on the Intelligence Committee. I was once the ranking member of the Intelligence Committee. Then, fortunately, I was selected to go back on the Intelligence Committee several years ago. It has been a part of my overall service to the Senate, and indeed to the Nation, to be on that committee.

I was at first introduced to the world of intelligence in 1969 when I was fortunate enough to go to the U.S. Department of Defense at the Pentagon and serve the Navy, first as Under Secretary and then Secretary. So I have actively been involved in the work of the intelligence community for some many years.

I am greatly concerned that we have before us today a piece of legislation which, even though a member of the committee and even though I worked with my colleagues to frame this legislation, I will have to vote against because of the actions that took place in the conference committee where an out-of-scope provision was put in—for the best of intentions, I am sure, but it wasn't carefully thought through, in my judgment, because this provision would say that henceforth, the CIA and the Federal Bureau of Investigation would have to conduct their interrogation procedures in accordance with the Army Field Manual.

I was privileged again to be one of a group of a small number of Senators who, in the year 2005, worked on the Detainee Act and then subsequently, in 2006, worked on other legislation to try to delineate carefully the responsibilities of various agencies and departments of our Government as it related to the all-important collection of our intelligence and a part of that collection procedure being the interrogation